

In re Application of: WALKER et al.

Serial No.: Not Yet Assigned

Filing Date: August 18, 2003

For: METHOD AND APPARATUS FOR
FACILITATING THE PLAY OF
FRACTIONAL LOTTERY TICKETS
UTILIZING POINT-OF-SALE
TERMINALS

) Examiner: Not Yet Assigned
) Group Art Unit: Not Yet Assigned
) Attorney Docket No: 97-558-C1
) **Customer No.: 22927**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as priority mail in an envelope with sufficient postage and addressed to: MS Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 18, 2003.

Dated: 08.18.03 By

Michael D. Brinton

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor

shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items listed on the enclosed copy of Form PTO-1449 and to independently ascertain their teaching.

1. ☐ Applicants respectfully direct the Examiner's attention to the pending U.S. patent applications listed on the enclosed Form PTO-1449. The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. Applicants would be pleased to provide the Examiner with a copy of these applications upon request.
2. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): _____
_____.
3. ☐ For each of the items listed on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): _____.
4. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:

☒ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.

[] 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.

[] 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.

5. [] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below.

6. [] A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 4 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 10 below.

7. [] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:

- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 9 below; and
- b. this document is to be considered as a petition requesting consideration of the information disclosure statement.
- c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 10 below.

8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:

☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;

☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.

9. ☐ I hereby certify:

☐ that each item of information contained in the items listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.

☐ that no item of information contained or listed on the enclosed copy of Form PTO-1449 was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

10. ☐ Please accept payment of the fees due as indicated below:

- ☐ A check in the amount of \$180.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).
- ☐ The Commissioner is hereby authorized to charge \$180.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p).
- ☐ A check in the amount of \$180.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).
- ☐ The Commissioner is authorized to charge \$180.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1).

11. [X] In addition to the citations listed above, applicants respectfully direct the Examiner's attention to the following U.S. patent applications, which are commonly assigned to the assignee of the instant application, and which may be deemed pertinent to the instant application:

<u>Serial No.</u>	<u>Inventors</u>	<u>Filing Date</u>	<u>Group Art Unit</u>	<u>Examiner's Init.</u>
08/946,508	Walker et al.	10/7/97	2761	
09/083,689	Walker et al.	05/21/98	2761	
09/076,409	Walker et al.	05/21/98	2761	
09/083,483	Walker et al.	05/22/98	2761	
09/085,424	Walker et al.	05/27/98	1773	
09/107,971	Walker et al.	06/30/98	3642	

The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. These applications have not been listed on the accompanying Form PTO-1449 in order to preserve their secrecy during the course of their prosecution.

12. [X] The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271.

13. [] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed concurrently with a Request for Continued Examination.

Respectfully submitted,



August 18, 2003
Date

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INFORMATION DISCLOSURE CITATION				Docket Number 97-558-C1		Serial Number Not Yet Assigned	
				Applicants WALKER et al.			
				Filing Date August 18, 2003		Group Art Unit Not Yet Assigned	

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E
	A	3,573,747	04/6/71	Adams et al.	340	172.5	
	B	4,108,361	08/22/78	Krause	235	375	
	C	4,323,770	04/6/82	Dieulot et al.	235	375	
	D	4,494,197	01/15/85	Troy et al.	364	412	
	E	4,500,880	02/19/85	Gomersall et al.	340	825.35	
	F	4,669,730	06/02/87	Small	273	138 A	
	G	4,677,553	06/30/87	Roberts et al.	364	412	
	H	4,689,742	08/25/87	Troy et al.	364	412	
	I	4,760,247	07/26/88	Keane et al.	235	454	
	J	4,815,741	03/28/89	Small	273	138 A	
	K	4,825,045	04/25/89	Humble	235	383	

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No
	L	WO 97/46961	12/11/97	PCT				

OTHER DOCUMENTS <i>(Including author, Title, Date, Pertinent Pages, Etc.)</i>		

EXAMINER	DATE CONSIDERED:
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E
	M	4,839,507	06/13/89	May	235	381	
	N	4,854,590	08/08/89	Jolliff et al.	273	138 A	
	O	4,859,838	08/22/89	Okiharu	235	383	
	P	4,882,473	11/21/89	Bergeron et al.	235	380	
	Q	4,910,672	03/20/90	Off et al.	364	405	
	R	4,922,522	05/01/90	Scanlon	379	95	
	S	4,937,853	06/26/90	Brule et al.	379	96	
	T	4,982,337	01/01/91	Burr et al.	364	479	
	U	4,993,714	02/19/91	Golightly	273	138 A	
	V	5,119,295	06/02/92	Kapur	364	412	
	W	5,177,342	01/05/93	Adams	235	379	

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No

OTHER DOCUMENTS <i>(Including author, Title, Date, Pertinent Pages, Etc.)</i>		

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U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E
	X	5,200,889	04/06/93	Mori	364	401	
	Y	5,216,595	06/01/93	Protheroe	364	412	
	Z	5,223,698	06/29/93	Kapur	235	375	
	AA	5,231,569	07/27/93	Myatt et al.	364	408	
	BB	5,239,165	08/24/93	Novak	235	375	
	CC	5,243,515	09/07/93	Lee	364	401	
	DD	5,262,941	11/16/93	Saladin et al.	364	408	
	EE	5,274,547	12/28/93	Zoffel et al.	364	408	
	FF	5,283,731	02/01/94	Lalonde et al.	364	401	
	GG	5,297,031	03/22/94	Guttermann et al.	364	408	
	HH	5,548,110	08/20/96	Storch et al.	235	472	

FOREIGN PATENT DOCUMENTS								
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation	
							Yes	No

OTHER DOCUMENTS <i>(Including author, Title, Date, Pertinent Pages, Etc.)</i>		

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U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIAT E
	II	5,665,953	09/09/97	Mazzamuto et al.	235	383	
	JJ	5,724,886	03/10/98	Ewald et al.	99	374	
	KK	5,772,510	06/30/98	Roberts	463	17	
FOREIGN PATENT DOCUMENTS							
	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	Translation Yes No
OTHER DOCUMENTS (Including author, Title, Date, Pertinent Pages, Etc.)							
	LL	Brochure, "Introducing the Digital MenuBoard", Siren Technologies, Inc., (www.sirentech.com).					
	MM	"New Wave Marketing", Promotion Times; An SCA Quarterly Newsletter - First Quarter", 2 pp.					
	NN	Brochure: "POSitive Input; The McDonald's POS-3 System Newsletter from Olivetti Solutions/OLSY", pp. 1-8.					
	OO	"Universal Holding Cabinet Rollout Program", H & K Dallas Inc., 5 pp.					
	PP	"Cape Town", Reuters, Ltd, November 8, 1979.					
	QQ	"Save the Mark", Financial Times (London), February 1, 1983, Section I, Men & Matters, pg. 12.					
	RR	Greene, Jan, "Farm bills please assns; National Grocers Association", Supermarket News, December 23, 1985, Section: Vol. 35, pg. 6, ISSN: 0039-5803.					
	SS	"POS spectrum: a lottery looks to POS for growth", POS News, January 1989, Section: Vol. 5, No. 7, pg. 8, ISSN: 0896-6230, CODEN: BHORAD.					
	TT	Kuttner, Robert, "Computers May Turn The World Into One Big Commodities Pit", Business Week, September 11, 1989, Section: Economic Viewpoint, Number 3123, pg. 17.					
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	UU	Schrage, Michael, "An Experiment in Economic Theory; Labs Testing Real Markets", The Record, November 26, 1989.	
	VV	"Heads I win, tails you lose", The Economist, June 13, 1992.	
	WW	Kirk, Jim, "Digital promotions make quick point", The Wall Street Journal, December 26, 1997.	
	XX	"From Our Family to Yours...5 Weeks of Coupon Values for a Valuable Customer!", Wakefern Food Corporation, Copyright 1998.	
	YY	Brochure: "It's in the Bag. Introducing the Universal Holding Cabinet from Welbilt.", Welbilt, Copyright 1998, 5 pp.	
	ZZ	Brochure: "NCR 7453 PC-Based Point-of-Sale Solution", NCR Corporation, Copyright 1998.	
	AAA	"Progressive Introduces Kitchen Display System (KDS) For Restaurants", PR NewsWire, January 23, 1998, Section: Financial News.	
	BBB	Blair, Adam, "JICC Coupon Guide Recommends Upgrades At Front End", Supermarket News, February 9, 1998, Section: pg. 23, ISSN: 0039-5803.	
	CCC	Website: "Advanced Mechanics Internet Specials", (http //www metroplexweb com/advcpn2 htm), download date: March 12, 1998.	
	DDD	Website: "U.P.C. Coupon Code Guidelines Manual", Uniform Code Council, Inc., (http //www uc-council org/d31-3 htm), download date: March 12, 1998.	
	EEE	Hamstra, Mark, "'Made-for-you' maneuvers signal competitive shift in QSR category", Segment Study Quickserve, April 13, 1998, (http //www nrn com).	
	FFF	Brochure: "For the Crew & the Customer; The Best Drive-Thru & Grill Service", Ollveti North America, Winter 1998, 2 pp.	
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